

AMENDED IN ASSEMBLY DECEMBER 3, 2009

AMENDED IN SENATE NOVEMBER 3, 2009

AMENDED IN SENATE NOVEMBER 3, 2009

AMENDED IN SENATE OCTOBER 29, 2009

CALIFORNIA LEGISLATURE—2009–10 FIFTH EXTRAORDINARY SESSION

## SENATE BILL

**No. 1**

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**Introduced by Senators Romero, Huff, Alquist, and Wyland**  
*(Coauthors: Assembly Members Conway, Fong, Garrick, Hagman,  
Jeffries, Nestande, Silva, and Tran)*

August 27, 2009

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An act to amend Sections 10601.5, 10804, 47602, and 60900 of, to add ~~Section 47604.7~~ *Sections 44227.2 and 47604.7* to, to add Article 10 (commencing with Section 48350) to Chapter 2 of Part 27 of Division 4 of Title 2 of, ~~and to add Article 5 (commencing with Section 52065) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of, and to add Chapter 4.5 (commencing with Section 60550) to Part 33 of Division 4 of Title 2 of, the Education Code, *and to amend Section 1095 of the Unemployment Insurance Code,* relating to public schools.~~

### LEGISLATIVE COUNSEL'S DIGEST

SB 1, as amended, Romero. Public schools.

(1) Existing law establishes the California Education Information System, which consists of the California Longitudinal Pupil Achievement Data System (CALPADS) and the California Longitudinal Teacher Integrated Data Education System (CALTIDES). Existing law prohibits data in CALTIDES from being used, either solely or in conjunction with data from CALPADS, for purposes of pay, promotion,

sanction, or personnel evaluation of an individual teacher or groups of teachers, or any other employment decisions related to individual teachers.

This bill would delete this prohibition and instead would authorize data in the California Education Information System to be used for purposes of evaluating teachers and administrators and making employment decisions relating to teachers, subject to specified provisions governing collective bargaining agreements. The bill additionally would require CALTIDES to include teacher *and administrator* performance *and evaluation* data required under federal law. The bill would specify that data in the California Education Information System shall not be used in violation of federal and state laws that protect an individual's right to privacy or the confidentiality of personal information.

(2) Existing law requires the State Chief Information Officer to convene a working group representing specified entities to create a strategic plan to link education data systems and to accomplish specified objectives relating to the accessibility of education data. The State Chief Information Officer is required to deliver this strategic plan to the Legislature and the Governor no later than September 1, 2009.

*This bill would also require the working group to facilitate the transfer of data from one segment to another and linkages to workforce data through interagency agreements and joint powers agreements, and to facilitate the ability of the state to publicly report data, as specified. The bill would change the date the plan is required to be delivered to the Legislature and the Governor to January 15, 2010, or the effective date of the bill, whichever is later. The bill would authorize this provision to be implemented using specified federal grant funds.*

(3) *Existing law establishes the Commission on Teacher Credentialing to, among other things, establish professional standards and procedures for the issuance and renewal of teaching and services credentials.*

*This bill would establish the Science, Technology, Engineering, and Math Educator Credentialing Program for purposes of providing alternative routes to credentialing in accordance with the guidelines for the federal Race to the Top Fund, and would require the commission, together with the Committee on Accreditation, to develop a process to authorize additional high-quality alternative route educator preparation programs provided by school districts, county offices of education, community-based organizations, and nongovernmental organizations.*

*The bill would authorize the commission to assess a fee on community-based and nongovernmental organizations that are seeking approval to participate in the program.*

(3)

(4) The Charter Schools Act of 1992 authorizes any one or more persons to submit a petition to the governing board of a school district to establish a charter school that operates independently from the existing school district structure as a method of accomplishing specified goals. The act further limits the maximum number of charter schools authorized to operate in the state each year, as specified.

This bill, commencing with the 2009–10 school year, would delete the limitation on the number of charter schools authorized to operate in the state, and would make other conforming changes.

The bill would require the Superintendent of Public Instruction to convene a working group consisting of specified members to make findings and recommendations to the Legislature and the Governor on certain matters relating to charter schools, including the adequacy of existing processes for authorizing, renewing, revoking or not renewing charter schools, and the extent to which charter schools receive equitable funding compared to traditional public schools. The bill would require the working group to submit recommendations to the Assembly and Senate Committees on Education and the Governor on or before December 1, 2010.

(4)

(5) Existing law requires each person between the ages of 6 and 18 years not otherwise exempted to attend the public full-time day school or continuation school or classes in the school district in which his or her parent or guardian is a resident. Existing law authorizes 2 school districts to enter into an agreement that allows pupils to transfer between the 2 districts.

This bill would enact the Open Enrollment Act to enable pupils residing in the state to attend public schools in school districts other than their school district of residence, as defined. The bill would authorize the parent or guardian of a pupil enrolled in a ~~low-performing~~ *low-achieving* school, as defined, to submit an application for the pupil to attend a school in a school district of enrollment, as defined. The bill would authorize a school district of enrollment to adopt specific, written standards for acceptance and rejection of applications for enrollment, subject to specified conditions and a specified priority scheme for applicants. Within 60 days of receiving an application for enrollment,

the bill would require a school district of enrollment to notify the applicant parent or guardian and the resident school district in writing whether the application has been accepted or rejected and, if an application is rejected, state in the notification the reasons for the rejection. The bill would require the State Board of Education to adopt emergency regulations to implement these provisions.

By requiring school districts to perform additional duties regarding the potential enrollment of nonresident pupils, this bill would impose a state-mandated local program.

(5)

(6) The Public Schools Accountability Act of 1999 requires the Superintendent, with approval of the state board, to develop the Academic Performance Index (API), consisting of a variety of indicators, to be used to measure the performance of schools. Existing law requires the Superintendent to develop, and the state board to adopt, expected annual percentage growth targets for all schools based on their API baseline score and prescribes a minimum percentage growth target of 5% annually. The act also establishes the Immediate Intervention/Underperforming Schools Program (IIUSP). Schools that score below the 50th percentile on certain achievement tests are invited to participate in the program and are provided program funding. Twenty-four months after receiving IIUSP funding, a school that fails to meet its growth targets each year, but demonstrates significant growth, as determined by the state board, continues to participate in the program for an additional year and to receive funding. If a school fails to meet its growth targets each year and does not demonstrate significant growth, it is deemed a state-monitored school and the Superintendent is required to take specified actions with regard to the school.

Federal law, the federal Elementary and Secondary Education Act, requires that a school district provide certain notifications to parents and employees. Federal law also requires at least one alternative governance arrangement or major restructuring effort for any school that fails to make adequate yearly progress after one full school year of corrective action.

This bill would require the Superintendent to make recommendations to the state board, by February 1, 2010, or the effective date of the bill, whichever is later, regarding the criteria and conditions for ~~identifying~~ *determining* the lowest achieving 5% of the persistently lowest ~~performing~~ *achieving* public schools, as specified. By April 1, 2010, or the effective date of the bill, whichever is later, the state board would

be required to approve these criteria and conditions, with any necessary revisions. The bill would require the state board and the Superintendent, on or before June 1, 2010, or the effective date of the bill, whichever is later, and each year thereafter, to identify the lowest achieving 5% of the persistently lowest ~~performing~~ *achieving* public schools in the state, subject to specified exceptions. The bill would require the Superintendent, within 30 days of making this determination, to ensure each employee and parent or guardian of a child enrolled or requesting to be enrolled in a school ~~identified~~ *determined to be among those schools* is provided with federally required notices containing specified information.

The bill would require the Superintendent and the state board to direct each ~~identified~~ *determined* school to take at least one of ~~3~~ specified alternative governance or restructuring actions required by federal law. The bill would provide for the Superintendent to recommend revocation and for the state board to hold a hearing on revocation within 90 days if the school is a charter school. The bill would require the State Department of Education to contract for an independent evaluation of the accountability measures established by this bill's provisions, and to submit this evaluation to the Chairpersons of the Joint Legislative Budget Committee, the Assembly Committee on Budget, the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Education, the Senate Committee on Education, the Governor, and the Director of Finance no later than March 1, 2015.

Because the bill would require schools identified as the lowest achieving 5% of the persistently lowest ~~performing~~ *achieving* public schools in the state to take specified actions, it would impose a state-mandated local program.

*(7) Existing law, the Leroy Greene California Assessment of Academic Achievement Act, requires the state board to adopt statewide academically rigorous content standards pursuant to the recommendations of the Commission for the Establishment of Academic Content and Performance Standards in core curriculum areas, as specified.*

*This bill would require the state board, no later than November 1, 2010, to amend the reading, writing, and mathematics academic content standards by adopting the grade level academic content standards developed as part of the Common Core State Standards Initiative and required by the federal Race to the Top Fund, as specified.*

(6)

(8) Existing law requires the State Department of Education under CALPADS to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data. Existing law requires local educational agencies to retain individual pupil records for each test taker, including other data elements deemed necessary by the Superintendent, with approval of the state board, to comply with federal reporting requirements delineated in the federal ~~No Child Left Behind Act of 2001~~ *Elementary and Secondary Education Act*.

This bill would require local educational agencies to also retain other data elements deemed necessary by the Superintendent, with the approval of the state board, to comply with programs implemented pursuant to the federal American Recovery and Reinvestment Act of 2009, subject to submission of an expenditure plan to the Department of Finance, as specified. The bill would authorize the *State Department of Education*, the University of California, the California State University, and the Chancellor of the California Community Colleges to obtain ~~specified~~ *quarterly* wage data on students in order to meet the requirements of the *federal* American Recovery and Reinvestment Act of 2009, to the extent permitted by federal law.

~~(7)~~

(9) This bill would require the Governor, the Superintendent of Public Instruction, and the State Board of Education, in collaboration with participating local educational agencies, as necessary, to develop a high-quality plan or plans to submit as part of a Phase 1 application for federal Race to the Top funds that includes specified elements that are consistent with the federal School Improvement Grant guidelines and the *federal* Race to the Top guidelines.

~~(8)~~

(10) This bill would require the Fiscal Crisis Management and Assistance Team, on or before April 1, 2010, or the effective date of the bill, whichever is later, to convene a task force for the purpose of developing a standardized process for reporting charter school financial and accounting data, and developing a standardized process for the provision of annual independent financial and compliance audits for charter schools. The task force would be required to submit recommendations to the Legislature on or before December 1, 2010, or the effective date of the bill, whichever is later.

~~(9)~~

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 10601.5 of the Education Code is  
2 amended to read:

3 10601.5. (a) The department, in collaboration with the  
4 Commission on Teacher Credentialing, shall contract for the  
5 development of a teacher data system to be known as the California  
6 Longitudinal Teacher Integrated Data Education System that is  
7 based on the results of the teacher data system feasibility study  
8 conducted pursuant to Item 6110-001-0890 of Section 2.00 of the  
9 Budget Act of 2005 (Chapter 38 of the Statutes of 2005). The  
10 purpose of the California Longitudinal Teacher Integrated Data  
11 Education System is to streamline processes, improve the efficiency  
12 of data collection by the department, the Commission on Teacher  
13 Credentialing, and the Employment Development Department,  
14 and improve the quality of data collected from local educational  
15 agencies and teacher preparation programs. The California  
16 Longitudinal Teacher Integrated Data Education System shall be  
17 developed and implemented in accordance with all state rules and  
18 regulations governing information technology projects.

19 (b) The California Longitudinal Teacher Integrated Data  
20 Education System shall serve as the central state repository of  
21 information regarding the teacher workforce in the state for  
22 purposes of developing and reviewing state policy, identifying  
23 workforce trends, and identifying future needs regarding the  
24 teaching workforce. It shall also serve to provide high-quality  
25 program evaluations, including evaluation of the effectiveness of  
26 teacher preparation and induction, and to help improve professional  
27 development programs. Additionally, it shall promote the efficient

1 monitoring of teacher assignments as required by state and federal  
2 law.

3 (c) The California Education Information System shall not  
4 include the names, social security numbers, home addresses,  
5 telephone numbers, or e-mail addresses of individual teachers.

6 (d) Data in the California Education Information System shall  
7 not be used in violation of any state or federal law that is intended  
8 to protect an individual's right to privacy or the confidentiality of  
9 an individual's personal information.

10 (e) Notwithstanding any other provision of law, data in the  
11 California Education Information System, solely or in conjunction  
12 with data from any other data system, may be used for purposes  
13 of evaluating teachers and administrators and making employment  
14 decisions, only if these decisions comply with Section 3543.2 of  
15 the Government Code.

16 (f) The California Longitudinal Teacher Integrated Data  
17 Education System shall be used to accomplish both of the following  
18 goals:

19 (1) Provide a means to evaluate all of the following:

20 (A) The effectiveness of teacher preparation programs,  
21 including, but not limited to, traditional fifth-year programs,  
22 university internship programs, and district-sponsored internship  
23 programs.

24 (B) Teacher workforce issues, including mobility, retention,  
25 and attrition.

26 (2) Streamline and improve the effectiveness and timeliness of  
27 assignment monitoring as required by the federal No Child Left  
28 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and by state law.

29 (3) Enable local educational agencies to monitor teacher  
30 assignments on demand.

31 (g) For purposes of implementing this chapter, including the  
32 legislative intent expressed in subdivision (b) of Section 10600,  
33 the system shall include all of the following information:

34 (1) Age profiles of teachers in the workforce.

35 (2) Projections of the number of retirees in the education system  
36 over the next 10 years throughout the state.

37 (3) Identification of subject matter fields that have the severest  
38 shortage of teachers.

39 (4) Geographic distribution of teachers by credential type.

40 (5) Present patterns of in-service education for teachers.

1 (6) ~~Teacher performance and administrator performance and~~  
2 ~~evaluation~~ data required under federal law.

3 (h) The Commission on Teacher Credentialing and accredited  
4 teacher preparation programs shall participate in the system by  
5 providing available data regarding enrollment in credential  
6 programs, credentials issued in each specialization, and certificated  
7 persons in each specialty who are not employed in education, and  
8 by collaborating with the department in the design and preparation  
9 of periodic reports of teacher supply and demand in each specialty  
10 and in each geographic region of the state.

11 (i) The California Longitudinal Teacher Integrated Data  
12 Education System shall do all of the following:

13 (1) Utilize and maximize use of existing teacher databases.

14 (2) Maintain longitudinally linked data without including the  
15 names of teachers.

16 (3) Comply with all state and federal confidentiality and privacy  
17 laws.

18 (j) The Superintendent shall convene a working group to provide  
19 advice and guidance on the development and implementation of  
20 the system. The group shall include, but is not limited to,  
21 representatives from the Commission on Teacher Credentialing,  
22 the Department of Finance, the Secretary for Education, the  
23 Legislative Analyst's Office, the Employment Development  
24 Department, and representatives of local educational agencies,  
25 postsecondary educational institutions, researchers, teachers,  
26 administrators, and parents.

27 (k) The operation of the California Longitudinal Teacher  
28 Integrated Data Education System is contingent upon the  
29 appropriation of funds for purposes of this section in the annual  
30 Budget Act or other legislation.

31 SEC. 2. Section 10804 of the Education Code is amended to  
32 read:

33 10804. (a) The State Chief Information Officer appointed  
34 pursuant to Section 11545 of the Government Code shall convene  
35 a working group representing, at a minimum, the state board, the  
36 Superintendent, the Chancellor of the California Community  
37 Colleges, the University of California, the California State  
38 University, and any other governmental entities that collect, report,  
39 or use individual pupil education data that would become part of  
40 the comprehensive education data system. The State Chief

1 Information Officer shall form an advisory committee to the  
2 working group that includes school and district administrators,  
3 teachers and faculty, education program providers, policymakers,  
4 researchers, parents, and pupils.

5 (b) The working group convened pursuant to this section shall  
6 create a strategic plan to link education data systems from all  
7 segments and to accomplish all of the following:

8 (1) Provide an overall structural design for the linked education  
9 data systems.

10 (2) Examine current state education data systems.

11 (3) Examine the protocols and procedures to be used by state  
12 agencies in data processing, including, but not limited to,  
13 collecting, storing, manipulating, sharing, retrieving, and releasing  
14 data so as to enable each state agency to accurately and efficiently  
15 collect and share data with the other state agencies while complying  
16 with all applicable state and federal privacy laws.

17 (4) Identify specific procedures and policies that would be  
18 necessary to ensure the privacy of pupil record information so as  
19 to meet both federal requirements and the higher expectations of  
20 privacy held by the state.

21 ~~(5) Include interagency agreements to facilitate the transfer of~~  
22 ~~data from one segment to another and ultimately to include linkages~~  
23 ~~to workforce data.~~

24 *(5) Facilitate the transfer of data from one segment to another,*  
25 *and ultimately linkages to workforce data, through interagency*  
26 *agreements or joint powers agreements, including the California*  
27 *School Information Services established under Article 6*  
28 *(commencing with Section 49080) of Chapter 6.5 of Part 27 of*  
29 *Division 4 of Title 2.*

30 *(6) Facilitate the ability of the state to publicly report data, as*  
31 *specified in Section 6401(e)(2)(D) of the federal America*  
32 *COMPETES Act (Public Law 110-69), required as an indicator*  
33 *or descriptor, that are made available to anyone with access to*  
34 *an Internet connection without having to submit a request to the*  
35 *entity that maintains the data and information in order to access*  
36 *that data and information.*

37 (c) The strategic plan shall be delivered by the State Chief  
38 Information Officer to the Legislature and the Governor on or  
39 before January 15, 2010, or the effective date of the act amending

1 this section during the 2009–10 Fifth Extraordinary Session,  
2 whichever date is later.

3 (d) This section may be implemented using federal grant funds  
4 received pursuant to the *federal* American Recovery and  
5 Reinvestment Act of 2009 (Public Law 111-5) through that act's  
6 provision of funds for statewide data systems under the federal  
7 Education Technical Assistance Act (20 U.S.C. Sec. 9601 et seq.).

8 (e) *Notwithstanding any other provision of law, agencies that*  
9 *are a party to any agreement pursuant to paragraph (5) or (6) of*  
10 *subdivision (b) may share and disclose data to the extent*  
11 *reasonably necessary to publicly report data, as specified in*  
12 *Section 6401(e)(2)(D) of the federal America COMPETES Act*  
13 *(Public Law 110-69), to the extent that the sharing and disclosure*  
14 *of data are not in violation of the federal Family Educational*  
15 *Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g).*

16 SEC. 3. Section 44227.2 is added to the Education Code, to  
17 read:

18 44227.2. (a) *The Legislature hereby establishes the Science,*  
19 *Technology, Engineering, Math, and Career Technical Education*  
20 *Educator Credentialing Program for purposes of providing*  
21 *alternative routes to credentialing, in accordance with the*  
22 *guidelines for the federal Race to the Top Fund, authorized under*  
23 *the federal American Recovery and Reinvestment Act of 2009*  
24 *(Public Law 111-5), that do not compromise state standards.*

25 (b) *No later than June 1, 2010, the commission, in consultation*  
26 *with the Committee on Accreditation established pursuant to*  
27 *Section 44373, shall begin to develop a process to authorize*  
28 *additional high-quality alternative route educator preparation*  
29 *programs provided by school districts, county offices of education,*  
30 *community-based organizations, and nongovernmental*  
31 *organizations. Organizations participating in this project may*  
32 *offer educator preparation programs for any science and*  
33 *mathematics credential type issued by the commission if the*  
34 *organization meets the requirements for being authorized pursuant*  
35 *to criteria established by the commission.*

36 (c) *The commission shall authorize community-based or*  
37 *nongovernmental organizations accredited by an accrediting*  
38 *organization that is recognized by the Council for Higher*  
39 *Education Accreditation and the United States Department of*  
40 *Education. The commission may also establish alternative criteria,*

1 *if necessary, for project participants that are not eligible for*  
2 *accreditation by one of the accredited organizations.*

3 *(d) Participating organizations shall electronically submit*  
4 *credential applications to the commission.*

5 *(e) The commission may assess a fee on a community-based or*  
6 *nongovernmental organization that is seeking approval to*  
7 *participate in the program. For purposes of this section, an*  
8 *independent college or university in California is not considered*  
9 *a community-based or nongovernmental organization.*

10 ~~SEC. 3.~~

11 SEC. 4. Section 47602 of the Education Code is amended to  
12 read:

13 47602. (a) In the 1998–99 school year, the maximum total  
14 number of charter schools authorized to operate in this state shall  
15 be 250. In the 1999–2000 school year through the 2008–09 school  
16 year, inclusive, an additional 100 charter schools are authorized  
17 to operate in this state each successive school year. Commencing  
18 with the 2009–10 school year, there shall be no limitation on the  
19 number of charter schools authorized to operate in this state. For  
20 the purposes of implementing this section, the state board shall  
21 assign a number to each charter petition that it grants pursuant to  
22 subdivision (j) of Section 47605 or Section 47605.8 and to each  
23 charter notice it receives pursuant to this part, based on the  
24 chronological order in which the notice is received. Each number  
25 assigned by the state board shall correspond to a single petition  
26 that identifies a charter school that will operate within the  
27 geographic and site limitations of this part. The state board shall  
28 develop a numbering system for charter schools that identifies  
29 each school associated with a charter. For purposes of this section,  
30 sites that share educational programs and serve similar pupil  
31 populations may not be counted as separate schools. Sites that do  
32 not share a common educational program shall be considered  
33 separate schools for purposes of this section.

34 (b) A charter petition shall not be granted under this part that  
35 authorizes the conversion of a private school to a charter school.  
36 A charter school shall not receive any public funds for a pupil if  
37 the pupil also attends a private school that charges the pupil's  
38 family for tuition. The state board shall adopt regulations to  
39 implement this section.

1     ~~SEC. 4.~~

2     SEC. 5. Section 47604.7 is added to the Education Code, to  
3 read:

4     47604.7. (a) It is the intent of the Legislature to ensure that  
5 California has ~~high-quality charter schools~~ *high-performing charter*  
6 *schools in accordance with the regulations and guidelines for the*  
7 *federal Race to the Top Fund, authorized under the federal*  
8 *American Recovery and Reinvestment Act of 2009 (Public Law*  
9 *111-5).*

10    (b) The Superintendent shall convene a working group to make  
11 findings and recommendations to the Legislature and the Governor  
12 regarding all of the following:

13    (1) The adequacy of existing processes for authorizing,  
14 renewing, revoking, or not renewing charter schools. For this  
15 purpose, the group shall review existing statutes and regulations  
16 and the degree to which the authority granted is adequate to ensure  
17 high quality, and the degree to which that authority is exercised.

18    (2) The extent to which the state's charter schools receive  
19 equitable funding compared to traditional public schools, and a  
20 commensurate share of local, state, and federal program and  
21 revenue sources.

22    (3) The extent to which the state provides charter schools with  
23 facilities funding to lease facilities, purchase facilities, or make  
24 tenant improvements, assistance with facilities acquisition, access  
25 to public facilities, the ability to share in bonds and other supports,  
26 and the extent to which the state does not impose any  
27 facility-related requirements on charter schools that are stricter  
28 than those applied to traditional public schools.

29    (c) The working group shall include representatives of the  
30 department, state board, Department of Finance, Assembly and  
31 Senate staff, county offices of education, local charter school  
32 authorizers, representatives of traditional public schools and  
33 independent charter schools, parents, community groups, and other  
34 stakeholders as the department, in consultation with the Office of  
35 the Secretary for Education, deems appropriate.

36    (d) The working group shall, on or before December 1, 2010,  
37 submit recommendations to the Governor and the Chairpersons  
38 and Vice Chairpersons of the Assembly and Senate Committees  
39 on Education for dissemination to the members of those  
40 committees.

1     ~~SEC. 5.~~

2     SEC. 6. Article 10 (commencing with Section 48350) is added  
3 to Chapter 2 of Part 27 of Division 4 of Title 2 of the Education  
4 Code, to read:

5  
6                     Article 10. Open Enrollment Act  
7

8     48350. This article shall be known, and may be cited, as the  
9 Open Enrollment Act.

10    48351. The purpose of this article is to improve ~~educational~~  
11 ~~achievement~~ *pupil achievement, in accordance with the regulations*  
12 *and guidelines for the federal Race to the Top Fund, authorized*  
13 *under the federal American Recovery and Reinvestment Act of*  
14 *2009 (Public Law 111-5), and to enhance parental choice in*  
15 *education by providing additional options to pupils to enroll in*  
16 *public schools throughout the state without regard to the residence*  
17 *of their parents.*

18    48352. For purposes of this article, the following definitions  
19 apply:

20    (a) ~~“Low-performing school” means a public school in program~~  
21 ~~improvement~~

22    (a) *“Low-achieving school” means any school which is*  
23 *determined to be in program improvement, corrective action, or*  
24 *restructuring consistent with the regulations and guidelines for*  
25 *the federal Race to the Top Fund, authorized under the federal*  
26 *American Recovery and Reinvestment Act of 2009 (Public Law*  
27 *111-5), and the guidelines for the federal School Improvement*  
28 *Grants, authorized under the federal Elementary and Secondary*  
29 *Education Act (20 U.S.C. Sec. 6301 et seq.), that is also ranked in*  
30 *any of deciles 1 to 3, inclusive, of the Academic Performance*  
31 *Index and identified in the 2008–09 school year by the*  
32 *Superintendent pursuant to Section 52055.605. Commencing with*  
33 *the 2013–14 fiscal year and every third year thereafter, the list of*  
34 *schools ranked in deciles 1 to 3, inclusive, shall be updated for*  
35 *this purpose based on the most current Academic Performance*  
36 *Index rankings.*

37    (b) “Parent” means the natural or adoptive parent or guardian  
38 of a dependent child.

39    (c) “School district of enrollment” means a school district other  
40 than the school district in which the parent of a pupil resides, but

1 in which the parent of the pupil nevertheless intends to enroll the  
2 pupil pursuant to this article.

3 (d) “School district of residence” means a school district in  
4 which the parent of a pupil resides and in which the pupil would  
5 otherwise be required to enroll pursuant to Section 48200.

6 48353. The state board shall adopt emergency regulations to  
7 implement this article.

8 48354. (a) The parent of a pupil enrolled in a ~~low-performing~~  
9 *low-achieving* school may submit an application for the pupil to  
10 attend a school in a school district of enrollment pursuant to this  
11 article.

12 (b) (1) Consistent with the requirements of Section  
13 1116(b)(1)(E) of the federal ~~No Child Left Behind Act~~ *Elementary*  
14 *and Secondary Education Act* of 2001 (20 U.S.C. Sec. 6301 et  
15 seq.), ~~no later than~~ *on or before* the first day of the school year,  
16 *or, if later, on the date the notice of program improvement,*  
17 *corrective action, or restructuring status is required to be provided*  
18 *under federal law* the district of residence shall provide the parents  
19 and guardians of all pupils enrolled in a school ~~identified~~  
20 *determined* in subdivision (a) of Section 48352 with notice of the  
21 option to transfer to another public school served by the school  
22 district of residence or another school district.

23 (2) An application requesting a transfer pursuant to this article  
24 shall be submitted by the parent of a pupil to the school district of  
25 enrollment prior to January 1 of the school year preceding the  
26 school year for which the pupil is requesting to transfer. The school  
27 district of enrollment may waive the deadline specified in this  
28 paragraph.

29 (3) The application deadline specified in paragraph (2) does not  
30 apply to an application requesting a transfer if the parent, with  
31 whom the pupil resides, is enlisted in the military and was relocated  
32 by the military within 90 days prior to submitting the application.

33 (4) The application may request enrollment of the pupil in a  
34 specific school or program within the school district of enrollment.

35 (5) A pupil may enroll in a school in the school district of  
36 enrollment in the school year immediately following the approval  
37 of his or her application.

38 (6) In order to provide priority enrollment opportunities for  
39 pupils residing in the school district, a school district of enrollment

1 shall establish a period of time for resident pupil enrollment prior  
2 to accepting transfer applications pursuant to this article.

3 48355. (a) The school district of residence of a pupil or a  
4 school district of enrollment to which a pupil has applied to attend  
5 may prohibit the transfer of the pupil pursuant to this article or  
6 limit the number of pupils who transfer pursuant to this article if  
7 the governing board of the district determines that the transfer  
8 would negatively impact either of the following:

9 (1) A court-ordered desegregation plan of the district.

10 (2) The racial and ethnic balance of the district, *provided that*  
11 *any policy adopted pursuant to this paragraph is consistent with*  
12 *federal and state law.*

13 (b) A school district of residence shall not adopt any other  
14 policies that in any way prevent or discourage pupils from applying  
15 for a transfer to a school district of enrollment.

16 48356. (a) A school district of enrollment may adopt specific,  
17 written standards for acceptance and rejection of applications  
18 pursuant to this article. The standards may include consideration  
19 of the capacity of a program, class, grade level, or school building.  
20 Subject to subdivision (b), and except as necessary in accordance  
21 with Section 48355, the standards shall not include consideration  
22 of a pupil's previous academic achievement, physical condition,  
23 proficiency in the English language, sex, national origin, or race.

24 (b) In considering an application pursuant to this article, a  
25 nonresident school district may apply its usual requirements for  
26 admission to a magnet school or a program designed to serve gifted  
27 and talented pupils.

28 (c) Subject to the rules and standards that apply to pupils who  
29 reside in the school district of enrollment, a resident pupil who is  
30 enrolled in one of the district's schools pursuant to this article shall  
31 not be required to submit an application in order to remain enrolled.

32 (d) A school district of enrollment shall ensure that pupils  
33 enrolled pursuant to standards adopted pursuant to this section are  
34 selected through a random, unbiased process that prohibits an  
35 evaluation of whether or not the pupil should be enrolled based  
36 on his or her individual academic or athletic performance, except  
37 that pupils applying for a transfer pursuant to this article shall be  
38 assigned priority for approval as follows:

39 (1) First priority for the siblings of children who already attend  
40 the desired school.

(2) Second priority for pupils transferring from a program improvement school ranked in decile 1 on the Academic Performance Index ~~identified~~ *determined* pursuant to subdivision (a) of Section 48352.

(3) Third priority for pupils transferring from a program improvement school ranked in decile 2 on the Academic Performance Index ~~identified~~ *determined* pursuant to subdivision (a) of Section 48352.

(4) Fourth priority for pupils transferring from a program improvement school ranked in decile 3 on the Academic Performance Index ~~identified~~ *determined* pursuant to subdivision (a) of Section 48352.

(5) If the number of pupils who request a particular school exceeds the number of spaces available at that school, a lottery shall be conducted in the group priority order identified in paragraphs (1) to (4), inclusive, to select pupils at random until all of the available spaces are filled.

(e) The initial application of a pupil for transfer to a school within a school district of enrollment shall not be approved if the transfer would require the displacement from the desired school of any other pupil who resides within the attendance area of that school or is currently enrolled in that school.

(f) A pupil approved for a transfer to a school district of enrollment pursuant to this article shall be deemed to have fulfilled the requirements of Section 48204.

48357. Within 60 days of receiving an application pursuant to Section 48354, a school district of enrollment shall notify the applicant parent and the school district of residence in writing whether the application has been accepted or rejected. If an application is rejected, the school district of enrollment shall state in the notification the reasons for the rejection.

48358. A school district of enrollment that enrolls a pupil pursuant to this article shall accept credits toward graduation that were awarded to the pupil by another school district and shall graduate the pupil if the pupil meets the graduation requirements of the school district of enrollment.

48359. (a) Each school district is encouraged to keep an accounting of all requests made for alternative attendance pursuant to this article and records of all disposition of those requests that may include, but are not limited to, all of the following:

(1) The number of requests granted, denied, or withdrawn. In the case of denied requests, the records may indicate the reasons for the denials.

(2) The number of pupils who transfer out of the district.

(3) The number of pupils who transfer into the district.

(b) The information maintained pursuant to subdivision (a) may be reported to the governing board of the school district at a regularly scheduled meeting of the governing board.

*48360. It is the intent of the Legislature that this article be declaratory of federal law, which provides pupils in schools under program improvement, corrective action, or restructuring an opportunity for open enrollment.*

~~SEC. 6.~~

SEC. 7. Article 5 (commencing with Section 52065) is added to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code, to read:

Article 5. Accountability Measures for the Persistently Lowest  
Performing Achieving Schools

52065. (a) By February 1, 2010, or the effective date of this article, whichever is later, the Superintendent shall make recommendations to the state board regarding all of the following:

(1) The criteria the Superintendent and the state board should use to jointly identify public schools *determine which public schools are* subject to the list required in Section 52066. In making recommendations regarding these criteria, or selecting schools based on these criteria, the Superintendent and the state board shall only consider schools currently or likely to be subject to restructuring pursuant to Section 1116 of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.) in the subsequent school year. ~~The committee~~ *state board* may also consider other objective data, including, but not limited to, the results of the California Standards Test, the Academic Performance Index, and dropout and graduation rates.

(2) The conditions that must exist for a school to be removed from the list established pursuant to Section 52066.

(b) On or before February 1, 2010, or the effective date of this article, whichever is later, the Superintendent shall make recommendations on the criteria and conditions described in

1 paragraph (1) to the state board, and on or before April 1, 2010,  
2 or the effective date of this article, whichever is later, the state  
3 board shall approve these criteria and conditions, with any revisions  
4 deemed necessary by the state board.

5 52066. (a) ~~On~~*In accordance with the regulations and*  
6 *guidelines for the federal Race to the Top Fund, authorized under*  
7 *the federal American Recovery and Reinvestment Act of 2009*  
8 *(Public Law 111-5), and the guidelines for the federal School*  
9 *Improvement Grants, authorized under the federal Elementary*  
10 *and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.), on or*  
11 *before June 1, 2010, or the effective date of this article, whichever*  
12 *is later, and each year thereafter the state board and the*  
13 *Superintendent, using the criteria established pursuant to Section*  
14 *52065, shall jointly identify determine the lowest achieving 5*  
15 *percent of the persistently lowest-performing achieving public*  
16 *schools in the state subject to this article, except as provided in*  
17 *subdivision (b).*

18 (b) The state board and the Superintendent shall consider not  
19 ~~identifying~~ *determining* schools under subdivision (a) that are  
20 showing significant progress under existing state intervention  
21 programs, as determined by the state board and the Superintendent,  
22 provided that not ~~identifying~~ *determining* those schools is  
23 consistent with federal School Improvement Grant laws and  
24 regulations.

25 (c) Within 30 days of making the determination in subdivision  
26 (a), the Superintendent shall notify each local educational agency  
27 responsible for oversight of a public school that is ~~identified~~  
28 *determined* and ensure that the governing board has provided each  
29 employee and parent or guardian of a child enrolled or requesting  
30 to be enrolled in a school ~~identified~~ *determined* in subdivision (a)  
31 the notices required by both of the following:

32 (1) Section 1116(b)(7)(E) of the federal Elementary and  
33 Secondary Education Act (20 U.S.C. Sec. 6301 et seq.).

34 (2) Section 1116(b)(8)(C) of the federal Elementary and  
35 Secondary Education Act (20 U.S.C. Sec. 6301 et seq.).

36 52067. (a) ~~Upon identifying~~ *determining* a school pursuant to  
37 Section 52066, the Superintendent and the state board shall direct  
38 the local educational agency responsible for each ~~identified~~  
39 *determined* school to evaluate the reasons for the determination  
40 and approve in a public hearing at least one of the locally developed

1 renewal efforts specified in Section ~~1116(b)(8)(B)(i), (ii), or (iii)~~  
2 *1116(b)(8)(B)* of the federal Elementary and Secondary Education  
3 Act (20 U.S.C. Sec. 6301 et seq.), *including those activities*  
4 *required in the regulations and guidelines for the federal Race to*  
5 *the Top Fund, authorized under the federal American Recovery*  
6 *and Reinvestment Act of 2009 (Public Law 111-5), and the*  
7 *guidelines for the federal School Improvement Grants, authorized*  
8 *under the federal Elementary and Secondary Education Act (20*  
9 *U.S.C. Sec. 6301 et seq.).*

10 (b) *For any other school which, after one full school year, is*  
11 *subject to corrective action pursuant to paragraph (7) of Section*  
12 *1116(b) of the federal Elementary and Secondary Education Act*  
13 *(20 U.S.C. Sec 6301 et seq.) and continues to fail to make adequate*  
14 *yearly progress, and where at least one-half of the parents or legal*  
15 *guardians of pupils attending the school, or a combination of at*  
16 *least one-half of the parents or legal guardians of pupils attending*  
17 *the school and the elementary or middle schools that normally*  
18 *matriculate into a middle or high school, as applicable, sign a*  
19 *petition requesting the local educational agency to implement one*  
20 *or more of the five federally mandated alternative governance*  
21 *arrangements pursuant to Section 1116(b)(8) of the federal*  
22 *Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et*  
23 *seq.), the local educational agency shall implement the option*  
24 *requested by the parents unless, in a regularly scheduled public*  
25 *hearing, the local educational agency makes a finding in writing*  
26 *why it cannot implement the specific recommended option and*  
27 *instead designates in writing which of the other federally mandated*  
28 *alternative governance arrangements it will implement in the*  
29 *subsequent school year consistent with requirements specified in*  
30 *federal regulations and guidelines for schools subject to*  
31 *restructuring under Section 1116(b)(8) of the federal Elementary*  
32 *and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.). If the*  
33 *local educational agency indicates in writing that it will implement*  
34 *in the upcoming school year a different alternative governance*  
35 *arrangement than requested by the parents, the local educational*  
36 *agency shall notify the Superintendent and the state board that the*  
37 *alternative governance option selected has substantial promise of*  
38 *enabling the school to make adequate yearly progress as defined*  
39 *in the federally mandated state plan under Section 1111(b)(2) of*

1 *the federal Elementary and Secondary Education Act (20 U.S.C.*  
2 *Sec. 6301 et seq.).*

3 ~~(b)~~

4 (c) For the high schools ~~identified~~ *determined* in subdivision  
5 (a) of Section 52066, the renewal efforts shall focus primarily on  
6 significant annual increases toward a four-year graduation rate  
7 goal of 90 percent, as calculated pursuant to subparagraph (A) of  
8 paragraph (4) of subdivision (a) of Section 52052. The evaluation  
9 required in Section 52068 shall include an assessment of the  
10 efficacy of any strategies employed to increase graduation rates  
11 at each of the ~~identified~~ *determined* high schools.

12 ~~(e) If a school identified~~

13 (d) *If a school determined* pursuant to subdivision (a) of Section  
14 52066 is a charter school, the Superintendent shall recommend  
15 revocation of the charter to the state board pursuant to subdivision  
16 (c) of Section 47604.5.

17 ~~(d)~~

18 (e) No later than 90 days after receipt of a recommendation for  
19 revocation pursuant to subdivision (c), the state board shall hold  
20 a public hearing to consider the revocation of the charter.

21 52068. The department shall contract for an independent  
22 evaluation of the program established by this article. The costs of  
23 the evaluation shall be paid for from federal funds appropriated to  
24 the department. The evaluation shall determine whether this  
25 program has been effective in improving pupil achievement and  
26 shall identify components of successful school renewal. The  
27 evaluation shall be submitted, no later than March 1, 2015, to the  
28 Chairpersons of the Joint Legislative Budget Committee, the  
29 Assembly Committee on Budget, the Senate Committee on Budget  
30 and Fiscal Review, the Assembly Committee on Education, the  
31 Senate Committee on Education, the Governor, and the Director  
32 of Finance.

33 *SEC. 8. Chapter 4.5 (commencing with Section 60550) is added*  
34 *to Part 33 of Division 4 of Title 2 of the Education Code, to read:*

35  
36 *CHAPTER 4.5. COMMON CORE STATE STANDARDS*

37  
38 60550. *No later than November 1, 2010, the state board shall*  
39 *amend the reading, writing, and mathematics academic content*  
40 *standards adopted by the state board in 1997 by adopting the*

1 *grade level academic standards developed as part of the Common*  
2 *Core State Standards Initiative and required by the federal Race*  
3 *to the Top Fund, authorized under the federal American Recovery*  
4 *and Reinvestment Act of 2009 (Public Law 111-5). The state board*  
5 *shall only add at each grade level any additional standards to*  
6 *ensure that the rigor of the academic content standards adopted*  
7 *in 1997 is maintained or exceeded. The revised academic content*  
8 *standards shall be integrated into the state educational system*  
9 *pursuant to the curriculum framework and textbook adoption*  
10 *process for those academic subjects as determined by the state*  
11 *board.*

12 ~~SEC. 7.~~

13 SEC. 9. Section 60900 of the Education Code is amended to  
14 read:

15 60900. (a) The department shall contract for the development  
16 of proposals which will provide for the retention and analysis of  
17 longitudinal pupil achievement data on the tests administered  
18 pursuant to Chapter 5 (commencing with Section 60600), Chapter  
19 7 (commencing with Section 60810), and Chapter 9 (commencing  
20 with Section 60850). The longitudinal data shall be known as the  
21 California Longitudinal Pupil Achievement Data System.

22 (b) The proposals developed pursuant to subdivision (a) shall  
23 evaluate and determine whether it would be most effective, from  
24 both a fiscal and a technological perspective, for the state to own  
25 the system. The proposals shall additionally evaluate and determine  
26 the most effective means of housing the system.

27 (c) The California Longitudinal Pupil Achievement Data System  
28 shall be developed and implemented in accordance with all state  
29 rules and regulations governing information technology projects.

30 (d) The system or systems developed pursuant to this section  
31 shall be used to accomplish all of the following goals:

32 (1) To provide school districts and the department access to  
33 data necessary to comply with federal reporting requirements  
34 delineated in the federal No Child Left Behind Act of 2001 (20  
35 U.S.C. Sec. 6301 et seq.).

36 (2) To provide a better means of evaluating educational progress  
37 and investments over time.

38 (3) To provide local educational agencies information that can  
39 be used to improve pupil achievement.

1 (4) To provide an efficient, flexible, and secure means of  
2 maintaining longitudinal statewide pupil level data.

3 (5) *To publicly report data, as specified in Section 6401(e)(2)(D)*  
4 *of the federal America COMPETES Act (Public Law 110-69),*  
5 *required as an indicator or descriptor, that are made available to*  
6 *anyone with access to an Internet connection without having to*  
7 *submit a request to the entity that maintains the data and*  
8 *information in order to access that data and information.*

9 (e) In order to comply with federal law as delineated in the No  
10 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), the  
11 local educational agency shall retain individual pupil records for  
12 each test taker, including all of the following:

13 (1) All demographic data collected from the STAR Program  
14 test, high school exit examination, and English language  
15 development tests.

16 (2) Pupil achievement data from assessments administered  
17 pursuant to the STAR Program, high school exit examination, and  
18 English language development testing programs. To the extent  
19 feasible, data should include subscore data within each content  
20 area.

21 (3) A unique pupil identification number to be identical to the  
22 pupil identifier developed pursuant to the California School  
23 Information Services, which shall be retained by each local  
24 educational agency and used to ensure the accuracy of information  
25 on the header sheets of the STAR Program tests, high school exit  
26 examination, and the English language development test.

27 (4) All data necessary to compile reports required by the federal  
28 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),  
29 including, but not limited to, dropout and graduation rates.

30 (5) Other data elements deemed necessary by the  
31 Superintendent, with approval of the state board, to comply with  
32 the federal reporting requirements delineated in the No Child Left  
33 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and programs  
34 implemented pursuant to the American Recovery and Reinvestment  
35 Act of 2009 (Public Law 111-5), after review and comment by the  
36 advisory board convened pursuant to subdivision (h).

37 Prior to the implementation of this paragraph, with respect to  
38 adding data elements to the California Longitudinal Pupil  
39 Achievement Data System for the purpose of complying with the  
40 federal American Recovery and Reinvestment Act of 2009 (Public

1 Law 111-5), the department and the appropriate postsecondary  
2 education agencies shall submit an expenditure plan to the  
3 Department of Finance detailing any administrative costs to the  
4 department and costs to any local educational agency, if applicable.  
5 The Department of Finance shall provide to the Joint Legislative  
6 Budget Committee a copy of the expenditure plan within 10 days  
7 of receipt of the expenditure plan.

8 (6) To enable the department, the University of California, the  
9 California State University, and the Chancellor of the California  
10 Community Colleges, to meet the requirements prescribed by the  
11 federal American Recovery and Reinvestment Act of 2009 (Public  
12 Law 111-5), these entities shall be authorized to obtain quarterly  
13 wage data, commencing July 1, 2010, on students who have  
14 attended their respective systems, to assess the impact of education  
15 on the employment and earnings of those students, to conduct the  
16 annual analysis of district-level and individual district or  
17 postsecondary education system performance in achieving priority  
18 educational outcomes, and to submit the required reports to the  
19 Legislature and the Governor. The information shall be provided  
20 to the extent permitted by federal statutes and regulations.

21 (f) The California Longitudinal Pupil Achievement Data System  
22 shall have all of the following characteristics:

23 (1) The ability to sort by demographic element collected from  
24 the STAR Program tests, high school exit examination, and English  
25 language development test.

26 (2) The capability to be expanded to include pupil achievement  
27 data from multiple years.

28 (3) The capability to monitor pupil achievement on the STAR  
29 Program tests, high school exit examination, and English language  
30 development test from year to year and school to school.

31 (4) The capacity to provide data to the state and local educational  
32 agencies upon their request.

33 (g) Data elements and codes included in the system shall comply  
34 with Sections 49061 to 49079, inclusive, and Sections 49602 and  
35 56347, with Sections 430 to 438, inclusive, of Title 5 of the  
36 California Code of Regulations, with the Information Practices  
37 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title  
38 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal  
39 Family Education Rights and Privacy Act (20 U.S.C. Sec. 1232g),

1 Section 1242h of Title 20 of the United States Code, and related  
2 federal regulations.

3 (h) The department shall convene an advisory board consisting  
4 of representatives from the state board, the Secretary for Education,  
5 the Department of Finance, the State Privacy Ombudsman, the  
6 Legislative Analyst's Office, representatives of parent groups,  
7 school districts, and local educational agencies, and education  
8 researchers to establish privacy and access protocols, provide  
9 general guidance, and make recommendations relative to data  
10 elements. The department is encouraged to seek representation  
11 broadly reflective of the general public of California.

12 (i) Subject to funding being provided in the annual Budget Act,  
13 the department shall contract with a consultant for independent  
14 project oversight. The Director of Finance shall review the request  
15 for proposals for the contract. The consultant hired to conduct the  
16 independent project oversight shall twice annually submit a written  
17 report to the Superintendent, the state board, the advisory board,  
18 the Director of Finance, the Legislative Analyst, and the  
19 appropriate policy and fiscal committees of the Legislature. The  
20 report shall include an evaluation of the extent to which the  
21 California Longitudinal Pupil Achievement Data System is meeting  
22 the goals described in subdivision (d) and recommendations to  
23 improve the data system in ensuring the privacy of individual pupil  
24 information and providing the data needed by the state and school  
25 districts.

26 (j) This section shall be implemented using federal funds  
27 received pursuant to the No Child Left Behind Act of 2001 (20  
28 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes of  
29 this section in Item 6110-113-0890 of Section 2.00 of the Budget  
30 Act of 2002 (Chapter 379 of the Statutes of 2002). The release of  
31 these funds is contingent on approval of an expenditure plan by  
32 the Department of Finance.

33 (k) For purposes of this chapter, a local educational agency shall  
34 include a county office of education, a school district, or charter  
35 school.

36 *SEC. 10. Section 1095 of the Unemployment Insurance Code*  
37 *is amended to read:*

38 1095. The director shall permit the use of any information in  
39 his or her possession to the extent necessary for any of the  
40 following purposes and may require reimbursement for all direct

1 costs incurred in providing any and all information specified in  
2 this section, except information specified in subdivisions (a) to  
3 (e), inclusive:

4 (a) To enable the director or his or her representative to carry  
5 out his or her responsibilities under this code.

6 (b) To properly present a claim for benefits.

7 (c) To acquaint a worker or his or her authorized agent with his  
8 or her existing or prospective right to benefits.

9 (d) To furnish an employer or his or her authorized agent with  
10 information to enable him or her to fully discharge his or her  
11 obligations or safeguard his or her rights under this division or  
12 Division 3 (commencing with Section 9000).

13 (e) To enable an employer to receive a reduction in contribution  
14 rate.

15 (f) To enable federal, state, or local government departments  
16 or agencies, subject to federal law, to verify or determine the  
17 eligibility or entitlement of an applicant for, or a recipient of, public  
18 social services provided pursuant to Division 9 (commencing with  
19 Section 10000) of the Welfare and Institutions Code, or Part A of  
20 Title IV of the Social Security Act, where the verification or  
21 determination is directly connected with, and limited to, the  
22 administration of public social services.

23 (g) To enable county administrators of general relief or  
24 assistance, or their representatives, to determine entitlement to  
25 locally provided general relief or assistance, where the  
26 determination is directly connected with, and limited to, the  
27 administration of general relief or assistance.

28 (h) To enable state or local governmental departments or  
29 agencies to seek criminal, civil, or administrative remedies in  
30 connection with the unlawful application for, or receipt of, relief  
31 provided under Division 9 (commencing with Section 10000) of  
32 the Welfare and Institutions Code or to enable the collection of  
33 expenditures for medical assistance services pursuant to Part 5  
34 (commencing with Section 17000) of Division 9 of the Welfare  
35 and Institutions Code.

36 (i) To provide any law enforcement agency with the name,  
37 address, telephone number, birth date, social security number,  
38 physical description, and names and addresses of present and past  
39 employers, of any victim, suspect, missing person, potential  
40 witness, or person for whom a felony arrest warrant has been

1 issued, when a request for this information is made by any  
2 investigator or peace officer as defined by Sections 830.1 and  
3 830.2 of the Penal Code, or by any federal law enforcement officer  
4 to whom the Attorney General has delegated authority to enforce  
5 federal search warrants, as defined under Sections 60.2 and 60.3  
6 of Title 28 of the Code of Federal Regulations, as amended, and  
7 when the requesting officer has been designated by the head of  
8 the law enforcement agency and requests this information in the  
9 course of and as a part of an investigation into the commission of  
10 a crime when there is a reasonable suspicion that the crime is a  
11 felony and that the information would lead to relevant evidence.  
12 The information provided pursuant to this subdivision shall be  
13 provided to the extent permitted by federal law and regulations,  
14 and to the extent the information is available and accessible within  
15 the constraints and configurations of existing department records.  
16 Any person who receives any information under this subdivision  
17 shall make a written report of the information to the law  
18 enforcement agency that employs him or her, for filing under the  
19 normal procedures of that agency.

20 (1) This subdivision shall not be construed to authorize the  
21 release to any law enforcement agency of a general list identifying  
22 individuals applying for or receiving benefits.

23 (2) The department shall maintain records pursuant to this  
24 subdivision only for periods required under regulations or statutes  
25 enacted for the administration of its programs.

26 (3) This subdivision shall not be construed as limiting the  
27 information provided to law enforcement agencies to that pertaining  
28 only to applicants for, or recipients of, benefits.

29 (4) The department shall notify all applicants for benefits that  
30 release of confidential information from their records will not be  
31 protected should there be a felony arrest warrant issued against  
32 the applicant or in the event of an investigation by a law  
33 enforcement agency into the commission of a felony.

34 (j) To provide public employee retirement systems in California  
35 with information relating to the earnings of any person who has  
36 applied for or is receiving a disability income, disability allowance,  
37 or disability retirement allowance, from a public employee  
38 retirement system. The earnings information shall be released only  
39 upon written request from the governing board specifying that the  
40 person has applied for or is receiving a disability allowance or

1 disability retirement allowance from its retirement system. The  
2 request may be made by the chief executive officer of the system  
3 or by an employee of the system so authorized and identified by  
4 name and title by the chief executive officer in writing.

5 (k) To enable the Division of Labor Standards Enforcement in  
6 the Department of Industrial Relations to seek criminal, civil, or  
7 administrative remedies in connection with the failure to pay, or  
8 the unlawful payment of, wages pursuant to Chapter 1  
9 (commencing with Section 200) of Part 1 of Division 2 of, and  
10 Chapter 1 (commencing with Section 1720) of Part 7 of Division  
11 2 of, the Labor Code.

12 (l) To enable federal, state, or local governmental departments  
13 or agencies to administer child support enforcement programs  
14 under Title IV of the Social Security Act (42 U.S.C. Sec. 651 et  
15 seq.).

16 (m) To provide federal, state, or local governmental departments  
17 or agencies with wage and claim information in its possession that  
18 will assist those departments and agencies in the administration  
19 of the Victims of Crime Program or in the location of victims of  
20 crime who, by state mandate or court order, are entitled to  
21 restitution that has been or can be recovered.

22 (n) To provide federal, state, or local governmental departments  
23 or agencies with information concerning any individuals who are  
24 or have been:

25 (1) Directed by state mandate or court order to pay restitution,  
26 fines, penalties, assessments, or fees as a result of a violation of  
27 law.

28 (2) Delinquent or in default on guaranteed student loans or who  
29 owe repayment of funds received through other financial assistance  
30 programs administered by those agencies. The information released  
31 by the director for the purposes of this paragraph shall not include  
32 unemployment insurance benefit information.

33 (o) To provide an authorized governmental agency with any or  
34 all relevant information that relates to any specific workers'  
35 compensation insurance fraud investigation. The information shall  
36 be provided to the extent permitted by federal law and regulations.  
37 For the purposes of this subdivision, "authorized governmental  
38 agency" means the district attorney of any county, the office of  
39 the Attorney General, the Department of Industrial Relations, and  
40 the Department of Insurance. An authorized governmental agency

1 may disclose this information to the State Bar, the Medical Board  
2 of California, or any other licensing board or department whose  
3 licensee is the subject of a workers' compensation insurance fraud  
4 investigation. This subdivision shall not prevent any authorized  
5 governmental agency from reporting to any board or department  
6 the suspected misconduct of any licensee of that body.

7 (p) To enable the Director of the Bureau for Private  
8 Postsecondary and Vocational Education, or his or her  
9 representatives, to access unemployment insurance quarterly wage  
10 data on a case-by-case basis to verify information on school  
11 administrators, school staff, and students provided by those schools  
12 who are being investigated for possible violations of Chapter 7  
13 (commencing with Section 94700) of Part 59 of the Education  
14 Code.

15 (q) To provide employment tax information to the tax officials  
16 of Mexico, if a reciprocal agreement exists. For purposes of this  
17 subdivision, "reciprocal agreement" means a formal agreement to  
18 exchange information between national taxing officials of Mexico  
19 and taxing authorities of the State Board of Equalization, the  
20 Franchise Tax Board, and the Employment Development  
21 Department. Furthermore, the reciprocal agreement shall be limited  
22 to the exchange of information that is essential for tax  
23 administration purposes only. Taxing authorities of the State of  
24 California shall be granted tax information only on California  
25 residents. Taxing authorities of Mexico shall be granted tax  
26 information only on Mexican nationals.

27 (r) To enable city and county planning agencies to develop  
28 economic forecasts for planning purposes. The information shall  
29 be limited to businesses within the jurisdiction of the city or county  
30 whose planning agency is requesting the information, and shall  
31 not include information regarding individual employees.

32 (s) To provide the State Department of Developmental Services  
33 with wage and employer information that will assist in the  
34 collection of moneys owed by the recipient, parent, or any other  
35 legally liable individual for services and supports provided pursuant  
36 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,  
37 and Chapter 2 (commencing with Section 7200) and Chapter 3  
38 (commencing with Section 7500) of Division 7 of, the Welfare  
39 and Institutions Code.

1 (t) Nothing in this section shall be construed to authorize or  
2 permit the use of information obtained in the administration of this  
3 code by any private collection agency.

4 (u) The disclosure of the name and address of an individual or  
5 business entity that was issued an assessment that included  
6 penalties under Section 1128 or 1128.1 shall not be in violation  
7 of Section 1094 if the assessment is final. The disclosure may also  
8 include any of the following:

9 (1) The total amount of the assessment.

10 (2) The amount of the penalty imposed under Section 1128 or  
11 1128.1 that is included in the assessment.

12 (3) The facts that resulted in the charging of the penalty under  
13 Section 1128 or 1128.1.

14 (v) To enable the Contractors' State License Board to verify  
15 the employment history of an individual applying for licensure  
16 pursuant to Section 7068 of the Business and Professions Code.

17 (w) To provide any peace officer with the Division of  
18 Investigation in the Department of Consumer Affairs information  
19 pursuant to subdivision (i) when the requesting peace officer has  
20 been designated by the Chief of the Division of Investigation and  
21 requests this information in the course of and as part of an  
22 investigation into the commission of a crime or other unlawful act  
23 when there is reasonable suspicion to believe that the crime or act  
24 may be connected to the information requested and would lead to  
25 relevant information regarding the crime or unlawful act.

26 (x) To enable the Labor Commissioner of the Division of Labor  
27 Standards Enforcement in the Department of Industrial Relations  
28 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully  
29 uninsured employers. The information shall be provided to the  
30 extent permitted by federal law and regulations.

31 (y) To enable the Chancellor of the California Community  
32 Colleges, in accordance with the requirements of Section 84754.5  
33 of the Education Code, to obtain quarterly wage data, commencing  
34 January 1, 1993, on students who have attended one or more  
35 community colleges, to assess the impact of education on the  
36 employment and earnings of students, to conduct the annual  
37 evaluation of district-level and individual college performance in  
38 achieving priority educational outcomes, and to submit the required  
39 reports to the Legislature and the Governor. The information shall

1 be provided to the extent permitted by federal statutes and  
2 regulations.

3 (z) To enable the Public Employees' Retirement System to seek  
4 criminal, civil, or administrative remedies in connection with the  
5 unlawful application for, or receipt of, benefits provided under  
6 Part 3 (commencing with Section 20000) of Division 5 of Title 2  
7 of the Government Code.

8 *(aa) To enable the State Department of Education, the University*  
9 *of California, the California State University, and the Chancellor*  
10 *of the California Community Colleges, pursuant to the*  
11 *requirements prescribed by the federal American Recovery and*  
12 *Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly*  
13 *wage data, commencing July 1, 2010, on students who have*  
14 *attended their respective systems to assess the impact of education*  
15 *on the employment and earnings of those students, to conduct the*  
16 *annual analysis of district-level and individual district or*  
17 *postsecondary education system performance in achieving priority*  
18 *educational outcomes, and to submit the required reports to the*  
19 *Legislature and the Governor. The information shall be provided*  
20 *to the extent permitted by federal statutes and regulations.*

21 ~~SEC. 8.~~

22 *SEC. 11.* (a) The Governor, the Superintendent of Public  
23 Instruction, and the State Board of Education shall jointly develop  
24 a single high-quality plan or multiple plans, in collaboration with  
25 participating local educational agencies, as necessary, to submit  
26 as part of a Phase 1 application for federal Race to the Top funds,  
27 authorized under the federal American Recovery and Reinvestment  
28 Act of 2009 (Public Law 111-5). The plan or plans shall include  
29 all of the following:

30 (1) Explicit and transparent criteria for ~~identifying~~ *determining*  
31 *the lowest achieving 5 percent of the persistently lowest performing*  
32 *schools that are consistent with the federal School Improvement*  
33 *Grant guidelines as well as the federal Race to the Top guidelines.*

34 (2) ~~Strategies for turning around the persistently lowest~~  
35 ~~performing schools that are consistent with federal Race to the~~  
36 ~~Top guidelines.~~

37 ~~(b) The participating local educational agencies shall first enter~~  
38 ~~into a memorandum of understanding with their county~~  
39 ~~superintendent of schools, local governing board, and head of the~~  
40 ~~local collective bargaining unit for teachers that meets the~~

1 ~~requirements expressed in the Race to the Top final guidelines.~~  
2 ~~The participating local educational agencies shall then enter into~~  
3 ~~a memorandum of understanding with the state, and shall assist in~~  
4 ~~preparation of the state plan, as required in the Race to the Top~~  
5 ~~final guidelines.~~

6 *achieving schools in accordance with the regulations and*  
7 *guidelines for the federal Race to the Top Fund, authorized under*  
8 *the federal American Recovery and Reinvestment Act of 2009*  
9 *(Public Law 111-5), and the guidelines for the federal School*  
10 *Improvement Grants, authorized under the federal Elementary*  
11 *and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.).*

12 *(2) Strategies for turning around the persistently lowest*  
13 *achieving schools that are consistent with federal Race to the Top*  
14 *guidelines.*

15 *(3) A comprehensive and coherent reform agenda that*  
16 *articulates the goals for implementing reforms in the four education*  
17 *areas described in the federal American Recovery and*  
18 *Reinvestment Act of 2009 (Public Law 111-5) and improving pupil*  
19 *achievement statewide, establishes a clear and credible path to*  
20 *achieving these goals, and includes specific reform plans within*  
21 *the application that meets those goals.*

22 *(4) Addressing the need for improvement in science, technology,*  
23 *engineering, and mathematics education throughout the*  
24 *application.*

25 *(b) The participating local educational agencies shall enter into*  
26 *a memorandum of understanding with the President of the State*  
27 *Board of Education that meets the requirements expressed in the*  
28 *federal Race to the Top guidelines and that is signed by as many*  
29 *as possible of each participating local educational agency's*  
30 *superintendents of schools, or their equivalents, presidents of the*  
31 *local governing boards, or their equivalents, and the leaders of*  
32 *the local collective bargaining units for teachers, if applicable.*

33 *(c) The State Board of Education may provide a participating*  
34 *local educational agency with the flexibility authorized pursuant*  
35 *to Section 47610 of the Education Code to implement the plan*  
36 *developed pursuant to subdivision (a) of this section and meet the*  
37 *goals and requirements of the federal Race to the Top guidelines.*

38 ~~SEC. 9.~~

39 *SEC. 12.* (a) On or before April 1, 2010, or the effective date  
40 of this act, whichever is later, the Fiscal Crisis Management and

1 Assistance Team shall convene a task force for the purpose of  
2 developing all of the following:

3 (1) A standardized process for the reporting of charter school  
4 financial and accounting data that would be applicable to all charter  
5 schools.

6 (2) A standardized process for the provision of annual  
7 independent financial and compliance audits of charter schools.

8 (b) The task force shall include representatives of the Controller,  
9 the Department of Finance, the State Department of Education,  
10 school business officials, staff from both houses of the Legislature,  
11 charter school representatives, and other stakeholders, as necessary.  
12 The task force may consider whether the auditing and fiscal  
13 reporting processes for traditional public schools are appropriate  
14 for charter schools, or if alternative standardized methods are  
15 preferable. The task force shall submit recommendations to the  
16 Legislature on or before December 1, 2010, or the effective date  
17 of this act, whichever is later.

18 ~~SEC. 10.~~

19 *SEC. 13.* (a) The Legislature finds and declares that this act  
20 is declaratory of the requirements *and definitions* specified in the  
21 federal guidelines for the federal Race to the Top Fund. It is the  
22 intent of the Legislature that, to the extent that the federal  
23 guidelines are revised, the state plan or plans also be revised  
24 accordingly.

25 (b) The agreements necessary for local educational agencies to  
26 fulfill the requirements of this act may be accomplished using  
27 memorandums of understanding between individual local  
28 educational agencies and the state.

29 ~~SEC. 11.~~

30 *SEC. 14.* If the Commission on State Mandates determines that  
31 this act contains costs mandated by the state, reimbursement to  
32 local agencies and school districts for those costs shall be made  
33 pursuant to Part 7 (commencing with Section 17500) of Division  
34 4 of Title 2 of the Government Code.

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